

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 BRIAN G. WALSH
Deputy Attorney General
4 State Bar No. 207621
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2535
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2010-138

12 **DOREEN ELIZABETH CLAUS**
13 **16021 Tulsa Street**
Granada Hills, CA 91344
14 **Registered Nurse License No. RN 526688**

A C C U S A T I O N

15 Respondent.

16
17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about September 19, 1996, the Board of Registered Nursing (Board) issued
22 Registered Nurse License Number RN 526688 to Doreen Elizabeth Claus (Respondent). The
23 Registered Nurse license was in full force and effect at all times relevant to the charges brought
24 herein. It expired on September 6, 2008, and has not been renewed.

25 ///

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct. . . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 2762 states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . . .

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license."

///

///

1 8. Section 2764 provides, in pertinent part, that the expiration of a license shall not
2 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
3 to render a decision imposing discipline on the license.

4 9. Section 2811, subdivision (b), provides, in pertinent part, that the Board may renew
5 an expired license at any time within eight years after the expiration.

6 **COST RECOVERY**

7 10. Section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licensee found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Convictions of Substantially-Related Crimes)**

13 11. Respondent is subject to disciplinary action under section 490, and section 2761,
14 subdivision (f), because Respondent has been convicted of crimes that are substantially related to
15 the qualifications, functions, and duties of a Registered Nurse.

16 a. On or about March 11, 2008, after pleading nolo contendere, Respondent was
17 convicted of one misdemeanor count of violating Penal Code section 484, subdivision (a) [petty
18 theft] in the criminal proceeding entitled *The People of the State of California v. Doreen*
19 *Elizabeth Claus* (Super. Ct. Los Angeles County, 2008, No. 8SR00886). Respondent was
20 sentenced to 30 days in jail and placed on three years probation. The underlying arrest occurred
21 on or about February 18, 2008, after Respondent threatened a convenience store clerk who had
22 refused to sell her beer and cigarettes, and then stole the items in front of the fearful clerk. The
23 clerk had refused to make the sale because Respondent was intoxicated, and the check appeared
24 to be forged. In angry response, Respondent threatened to retrieve a gun from her car, causing
25 the clerk to fear for his safety so that he would not interfere as Respondent proceeded to steal her
26 beer and cigarettes.

27 b. On or about March 11, 2008, after pleading nolo contendere, Respondent was
28 convicted of one misdemeanor count of violating Penal Code section 594, subdivision (a)

1 [vandalism] in the criminal proceeding entitled *The People of the State of California v. Doreen*
2 *Elizabeth Claus* (Super. Ct. Los Angeles County, 2008, No. 7GF00446). Respondent was
3 sentenced to 15 days in jail and placed on three years probation. The underlying factual
4 circumstances occurred on September 12, 2007, when Respondent was arrested after she
5 vandalized the car of a stranger who refused Respondent's random request for a ride by
6 scratching the hood of the car with a key.

7 c. On or about November 14, 1994, after pleading nolo contendere, Respondent was
8 convicted of one misdemeanor count of violating Penal Code section 470 [forgery] in the criminal
9 proceeding entitled *The People of the State of California v. Doreen Elizabeth Claus* (Super. Ct.
10 Los Angeles County, 2008, No. 94PO9004). Respondent was placed on two years probation.
11 The underlying factual circumstances occurred on or about October 22, 1994, when Respondent
12 was arrested for attempting to make a department store purchase with a stolen credit card.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct)**

15 12. Respondent is subject to disciplinary action under section 2761, subdivision (a), for
16 committing acts of unprofessional conduct. Complainant refers to and incorporates all the
17 allegations contained in paragraph 11, including its subparagraphs, as though set forth fully.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Dangerous Use of Alcohol)**

20 13. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
21 conjunction with section 2762, subdivision (b), as a result of her use of alcohol in a manner that
22 was dangerous to herself and others. Complainant refers to and incorporates all the allegations
23 contained in paragraph 11, subparagraph (a), as though set forth fully.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Discipline of Nevada Registered Nurse License)**

26 14. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), in
27 that Respondent's Nevada Registered Nurse License has been disciplined by the Nevada State
28 Board of Nursing (Nevada Board), as follows:

1 a. Effective July 15, 2007, pursuant to the Findings of Fact, Conclusions of Law, and
2 Final Order in Case No. 1111-06C, filed by the Nevada Board, and incorporated herein by
3 reference, Respondent's Nevada Registered Nurse License No. RN35604 was publicly
4 reprimanded. Respondent was required to take and successfully complete a nursing legal ethics
5 course and provide the Nevada Board with evidence of completion of the course no later than
6 January 25, 2007. The basis for discipline was that while assigned to work at Care Meridian in
7 Las Vegas, Nevada, Respondent left her shift early, after working only approximately two hours,
8 and failed to notify anyone at the facility that she was leaving.


9 b. Effective August 16, 2008, pursuant to the Findings of Fact, Conclusions of Law, and
10 Final Order in Case No. 0240-08CV, filed by the Nevada Board, and incorporated herein by
11 reference, Respondent's Nevada Professional Nurse License No. RN35604 was again publicly
12 reprimanded. The basis for this discipline was that Respondent failed to provide the Nevada
13 Board with evidence that she had successfully completed a nursing legal ethics course.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board issue a decision:

- 17 1. Revoking or suspending Registered Nurse License Number RN 526688, issued to
18 Respondent;
19 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
20 enforcement of this case, pursuant to section 125.3; and
21 3. Taking such other and further action as deemed necessary and proper.
22
23

24 DATED: 8/28/09


25 LOUISE R. BAILEY, M.ED., RN
26 Interim Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant